MONTANA LEGISLATIVE HISTORY

Chapter 497 19 75

Bill H 648 S _____ Original bill & history ✓C

H. Committee on Public Health, Welfare & Safety

Hearing Date(s) _____ C

2/10 ✓C

_____ C

_____ C

Date Out 2/10 ✓C

S. Committee on Labor & Empl. Relations

Hearing Date(s) _____ C

3/10 ✓C

3/14 ✓C

3/19 ✓C

3/21 ✓

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Did this bill originate in an interim committee? ___Yes ✓No

Committee _____ Report _____

LC 1108

House BILL NO. 648

INTRODUCED BY Lynch (By Request)

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY UPDATE AND REVISE LAWS RELATING TO LICENSURE OF PLUMBERS; AMENDING SECTIONS 66-2401, 66-2401.1, 66-2402, 66-2403, 66-2404, 66-2406, 66-2411, 66-2415, 66-2416, 66-2419, 66-2420, AND 66-2426, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 66-2401, R.C.M. 1947, is amended to read as follows:

"66-2401. Plumbers--license required--exception. (1) Any person working at the ~~business~~ field of plumbing, in any incorporated city, ~~or~~ town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who, while working at the ~~business~~ field of plumbing, shall connect plumbing to or disconnect plumbing from a ~~water-or-sewer-system-of-such-a-city-or-town--which serves--the--public~~ public water supply or public sewer system, shall first secure a state license as hereinafter provided. Provided that the council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly licensed person or persons ~~is~~ are not reasonably available, may, by ordinance, rule or resolution duly adopted, and upon reasonable notice to the board of ~~plumbing---examiners~~ plumbers and upon their approval, authorize the practice of ~~the-business~~ in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons ~~is~~ are reasonably available.

(2) Licensure is not required in the following instances of plumbing installation:

(a) Where an owner of a single family residence used exclusively for his personal use, makes the installation himself for all sanitary plumbing and potable water supply piping;

(b) In any mine, mill, smelter, refinery, or railroad not connected to a private or public utility system;

(c) In farms or ranches having their own private water supply and sewage disposal systems;

(d) In cities and towns extending their own city water and sewer mains;

(e) Installation of water conditioner services in private dwellings."

Section 2. Section 66-2401.1, R.C.M. 1947, is amended to read as follows:

"66-2401.1. Definitions. Unless the context requires

otherwise, in this act:

(1) "Board" means the board of plumbers, provided for in section 82A-1602.22; ~~and~~

(2) "Department" means the department of professional and occupational licensing, provided for in Title 82A, chapter 16~~.~~;

(3) "Public water supply" means any community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that serves ten (10) or more families, or twenty-five (25) or more persons on a regular and continuous basis;

(4) "Public sewer system" means any common sewer carrying liquid wastes from two or more dwellings, or any other facility that serves the public;

(5) "Journeyman plumber" means a person who is authorized to make installation of all sanitary plumbing and potable water supply piping and appliances connected thereto;

(6) "Master plumber" means a person who is authorized by this act to plan, estimate, bid, contract for, and supervise plumbing work; and

(7) "Field of plumbing" means the business, trade or work having to do with the installation, removal, alteration or repair of plumbing and drainage systems or parts thereof."

Section 3. Section 66-2402, R.C.M. 1947, is amended to read as follows:

"66-2402. Application for state license--qualifications of licensees. (1) A person desiring to work at the business of plumbing in ~~a city or town~~ the state of Montana shall file his application for a license with the department, and shall at the time and place designated by the board, be examined as to his qualifications for working in this business.

(2) The following requirements shall be met by applicants for a license:

(a) For journeyman plumbers:

(i) A specific record of ~~five (5)~~ four (4) years experience in the field of plumbing, of a character satisfactory to the board. This experience requirement may be fulfilled by working ~~five (5)~~ four (4) years in a major phase of the plumbing business, or by completing an apprenticeship program meeting the standards set by the department of labor and industry or the United States department of labor, bureau of apprenticeship, or credit towards this experience requirement may be given for time spent attending an accredited trade or other schools specializing in training of value in the ~~plumbing business~~ field of plumbing and approved by the board.

(ii) Satisfactory completion of an examination

conducted by the department, subject to section 82A-1603 (4), testing the applicant's ~~general~~ knowledge ~~of subjects necessary to plumbing, testing his knowledge~~ of techniques and methods employed in the ~~plumbing--business~~ field of plumbing, and establishing by practical demonstration his competence in the special skills required in the field of plumbing.

(iii) A licensed journey man plumber may perform work only in the employment of a licensed master plumber unless otherwise permitted by rule of the board.

(b) For master plumbers:

(i) Evidence of ~~five (5)~~ four (4) years experience as a journeyman plumber in the field of plumbing of a character satisfactory to the board.

(ii) Evidence of three (3) years experience in supervisory capacities in the ~~plumbing--business~~ field of plumbing, which may run concurrently with the requirement in (i) above.

(iii) Satisfactory completion of an examination for master plumbers testing his knowledge of the ~~plumbing business~~ field of plumbing and demonstrating his ~~familiarity~~ skill and ability ~~with--business--practices--normally encountered--in--the--plumbing--business~~ in the field of plumbing.

(iv) A master plumber is not authorized to perform the

work of a journeyman plumber unless he is also licensed as a journeyman plumber. A licensed master plumber may employ apprentice and only journeyman plumbers who are licensed by the state of Montana, in the conduct of his business and shall be responsible for assuring that all work performed by such employees shall be in compliance with the state plumbing code."

Section 4. Section 66-2403, R.C.M. 1947, is amended to read as follows:

"66-2403. Compensation--examination of applicants. (1) A member of the board is entitled to a compensation in the amount of twenty dollars ($20) plus per diem for each day while actually engaged in the work of the board.

(2) An applicant for a license to work ~~at the--business~~ in the field of plumbing shall be examined as to his qualifications by the department, subject to section 82A-1603 (4). The department shall examine each applicant for a license, to determine his skill and qualifications ~~and fitness for carrying on the business of~~ as a master plumber or journeyman plumber~~,~~. ~~and--if--the~~ The applicant upon successfully ~~passes~~ passing the examination prescribed by the board, then shall be issued a license ~~shall be issued to the--applicant~~ authorizing him to engage in the ~~business and occupation of~~ field of plumbing as a master plumber or journeyman plumber~~,--as the case may be,--The license,~~ when

~~issued,-authorizes-the-holder-to-carry-on-the-business-of--a master--plumber-or-a-journeyman-plumber,-as-the-case-may-be, in-any-city-or-town~~ in ~~this~~ the state of Montana."

Section 5. Section 66-2404, R.C.M. 1947, is amended to read as follows:

"66-2404. Application for license -- information required -- individual -- firms or corporations. A person, firm, or corporation desiring to engage in or work in the ~~business~~ field of plumbing, either as a master plumber or as a journeyman plumber, in this state, shall ~~apply~~ make application to the department by filing a written application stating his place of residence, age, experience, and the place where he has acquired his experience, and shall at a time and place designated by the board be examined as to his qualifications for ~~the~~ a license. In the case of a firm or corporation, the examination and ~~issuing~~ issuance of a license to ~~one-(1)-member~~ an individual of the firm, or to ~~the--manager~~ a principal of the firm or corporation, satisfies the requirements of this act as to master plumbers, but not as to journeymen plumbers. ~~A-person may--not~~ No individual, firm or corporation may do the work of a master plumber unless licensed under this act.

A master plumber shall not allow his license to be used by any person, or firm, corporation, or business other than his own, for the purpose of obtaining permits, or for doing

plumbing work under his license."

Section 6. Section 66-2406, R.C.M. 1947, is amended to read as follows:

"66-2406. Apprentices--rules--record. This act does not prohibit a person from working as an apprentice in the trade of plumbing with a plumber licensed by the department under the supervision of a licensed journeyman plumber, and under the rules made by the board. The name and residence of each apprentice, and the names and residences of their employers, shall be filed with the department, and a record shall be kept by the department~~,--showing--the--names--and residences-of-these-apprentices~~."

Section 7. Section 66-2411, R.C.M. 1947, is amended to read as follows:

"66-2411. Penalty for violations--exceptions from act. Any person working at the ~~business~~ field of plumbing or maintaining or conducting a plumbing ~~shop~~ business ~~in--any incorporated--city--or-town-in-this-state~~, or any individual ~~or who,-while-working-at-the--business--of--plumbing,--shall connect--plumbing--to--or-disconnect~~ connects or disconnects plumbing from, a public water or sewer system ~~of-such-a-city or-town,-which--serves--the--public,~~ in violation of any provisions of this act, or at a time when he is not exempt from the provisions of this act pursuant to the provisions of a duly enacted and subsisting ordinance of such city or

town shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars or imprisonment in a county jail for a term not exceeding six (6) months, or both, for each separate offense; provided, however, that this act shall not be construed to apply to, or affect, plumbing or pipefitting ~~in any smelter, mine, railroad or manufacturing industry,~~ as indicated in the section 66-2401(2) and section 65-2426 exceptions. ~~and that nothing herein shall be construed to affect article VI of the state of Montana plumbing code, rules and regulations.~~"

Section 8. Section 66-2415, R.C.M. 1947, is amended to read as follows:

"66-2415. Act not to require employment of licensed plumbers. ~~Nothing in this act shall be construed as requiring that licensed plumbers be employed in the performance of any plumbing work.~~ This act shall not be construed as imposing any penalty on any person for hiring or contracting with an unlicensed person to do work in the field of plumbing. However, any person who shall himself engage in the field of plumbing at a time when he is not duly licensed shall be subject to the penalties imposed by this act."

Section 9. Section 66-2416, R.C.M. 1947, is amended to

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read as follows:

"66-2416. Minimum standards--state plumbing code--fee for copy of code. (1) The board shall by rule prescribe minimum standards which are uniform and which are thereafter effective for all new plumbing installations or maintenance, except where exempt by section 66-2426. ~~The rules shall contain the minimum requirements for plumbing set forth in the American standard national plumbing code, numbered A8A A40.8 1955, and published by the American society of mechanical engineers. Except as provided in subsection (2) of this section, on~~ Upon approval of the department of administration, department of health and environmental sciences and the attorney general, and upon publication, the rules become the state plumbing code and have the force of law. A copy of the code shall be supplied to each person licensed under sections 66-2401 through 66-2411, or any other interested person, for ~~a fee of no more than five dollars ($5)~~ an amount equal to the actual current cost of the code plus postage.

(2) Rules relating to building and equipment standards covered by the state or a municipal building code are effective after approval by the department of administration and filing with the secretary of state."

Section 10. Section 66-2419, R.C.M. 1947, is amended to read as follows:

"66-2419. Revocation or suspension of license for work below minimum standards. Any person, firm, or corporation licensed under the provisions of Title 66, chapter 24 of the laws of the state of Montana who performs plumbing work in ~~any-building-whatsoever~~ the field of plumbing, below the minimum basic standards for plumbing as set forth in said state plumbing code ~~shall-have~~ is subject to having their license revoked or suspended by the state ~~plumbing--board~~ board of plumbers."

Section 11. Section 66-2420, R.C.M. 1947, is amended to read as follows:

"66-2420. Revocation or suspension--initiation of proceedings--procedure. Proceedings for the revocation or suspension of a journeyman or master plumber's license may be taken by the board on its motion, for matters in its knowledge, or may be taken on the information of another. Accusations must be in writing, and verified by a party familiar with the facts charged. On receiving the accusation the board shall, if it considers the accusation sufficient, make an order setting it for hearing, and requiring the accused to appear and answer the charge or accusation at the hearing~~,--in-the--county--in--which--the--alleged--violation occurred~~."

Section 12. Section 66-2426, R.C.M. 1947, is amended to read as follows:

"66-2426. Exceptions from act. This act shall not be construed to apply to, or to affect~~,--installation-of-water conditioner--services--in--private--dwellings--or~~ plumbing installations in any mines, mills, smelters, refineries, ~~reduction-works,~~ public utilities, ~~manufacturing--industries~~ railroads, or plumbing installations on farms having their own individual water supply or sewage disposal system."

-End-

PUBLIC HEALTH, WELFARE
AND SAFETY COMMITTEE

44th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Do
649	Appropriating $42,000 to the University of Montana for a radio talking book service for the print handicapped	2/7	Kimble	2/25	DO PASS	
640	Create office of Patients' attorney for MT Mental Health Care patients.	2/10	Murphy Lester	2/25	AS AMENDED DO PASS	2
648	Update laws relating to licensure of plumbers.	2/8	Lynch	2/20	DO PASS AS AMENDED	2
	Prohibit the consumption of alcoholic beverages and pos-				(Hearing post-poned)	

eting of the Public Health, Welfare & Safety Committee was held on sday, on the above date, in Room 108 at 10:30 a.m. of the Capitol ding. Representative Finley was excused with all other members ent. Chairman Menahan presided.

following bills were heard in this order: HB 556
HB 648
HB 353
HB 434
HB 445
HB 360

56--SPONSOR: James Sloan, district 17, said this bill provides for a forensic lab under the Dept. of Health. He said presently it takes 90 days for any test results to be returned, which can jeopardize a speedy trial and is time consuming. They are requesting $45,942 for its implementation for two years. Since there is presently a crime lab in Missoula, these two facilities would be consolidate to avoid duplication and cut costs. Proponent David Lackman, Dept. of Health, said that the laboratory should be neutrally located, and should be available to prosecution and defense alike. He submitted amendments to the bill to bring it in complaince with the reorganization act (see exhibit I). Michael Harrington, Dept. of Health, said they would be able to compensate their services by consolidating with the Missoula lab.

Opponent Jack Williams, MT Chief of Police Assn., opposed the bill for several reasons: 1) he felt that it should be under the Department of Justice; 2) that no fee should be charged; 3) Sectic 6 would not always be admissable under their department; and 4) that funds would not available on a matching basis. He said under this bill, it would take up to two years before a laboratory would be secured.

In closing, Sloan could not see why this should be under the Dept. of Justice, as it would a neutral agency, and, if the funding coul not be provided, things would just stay the way they are. Lynch thought that maybe they should strenghen the crime lab in Missoula instead of setting new facilities for it in Helena. Sloan commented that Heleha already has some of the equipment and personnel

48--SPONSOR: J. D. Lynch, district 7, said that this pertains to the licensure of plumbers and submitted an amendment to the bill. (exhibit A) Proponent Floyd Stewart, Board of Plumbers, submitted exhibit II, highlighting points of the bill. Art Clarkson, Board of plumbers, submitted exhibit III in support. The present law applies only to incorporated cities and towns with a public water system. The proposed changes in this bill would mandate any area served by a public water supply or a public sewer system. Mitch Mihilovitch, Board of Plumbers, supported the bill as amended. Elmer Lazure, state plumbing inspector, said that since many rural homeowners are not protected by state law, they must correct

these plumbing errors at their own expense. He submitted two brochures of photos of abuses in the field (see exhibit IV for testimony). Jim Shoff, Board of Plumbers, said that this change is needed to keep everyone honest, as the effects of poor plumbing are not evident immediately, but act constantly to weaken the system.

Harry Hansen, MT Technical Council, submitted an amendment to exclude public water and sewer mains to withint five feet of a building. He said there was no real need for this. Joseph Martin MT Assn of Journey man Plumbers, replied that this would be just as dangerous, and opposed Hansen's amendment.

53--SPONSOR: Ann Mary Dussault, district 95, said this bill would allow patients from Boulder and Galen to work and rehabilitate in the community, instead of in the institution. She submitted amendments that twere upon request, but wished to hold them for study. She said this bill is appropriated under the Governor's budget, and would allow a transfer of funds from the Dept. of Institutions to the Dept. of S.R.S., who will supervise this program. Proponent Pat Melby, legal advisor, Governor's Office, said that the Governor placed his full support for the bill. He said that through subsequent meetings, this bill follows the stipulations under which the budget for Boulder was requested. JoAnn Willis, Helena, supported the bill. Judy McMillan, who left Boulder and now resides at the Arrowhead House, a foster care home in Missoula, stated that more money is needed to supplement these homes provided for people who do not need to be in an institution, but have no other place to go. She said that institutions make people "uptight and agraid" (see exhibit V). Jack Hansen, who als resides at this home, had resided at Boulder from 1949 to 1972 before leaving, and stated his support for the bill (see exhibit V Charles Seastone, foster parent at the Arrowhead House, said the real tragedy of the institutions, is that many people are there for no other reason than the lack of an alternative. He said they provide an abnormal environment for people who should be members of the society (see exhibit VII). Bill Beck, MT Assn. of Rehabilitative Facilities, submitted an amendment concerning private non-profit corporations, giving local facilities authority to set wages and other personnel policies (see exhibit VIII). Tom Honzel, Helena Rehabilition Industries, supported the bill as amended. Marlene Kaiser, Polson, said that patients become non-productive when they are placed in institutions, and said there was no excuse for this confinement. The following persons also supported the bill: Arlene Morgan, Havre, said that patients oft lose contact with their families in institutions; John L. Wright, Lincoln County; Maxine Lane, Helena; Terri O'Fallon, Billings; and Priscilla MaClean, League of Women Voters, (see exhibit VIV).

Under discussion, Murphy asked Melby if he suggested that there b 40-bed centers, and Melby replied no, that homes and shelter work shops were needed in lieu of centers, and stated that the law

HB 434--LYNCH MOVED TO AMEND PAGE 1, LINE 25, AND PAGE 2, LINE 1, BY STRIKING ", and dental services as approved by the Montana optometric association" AND AS SO AMENDED DO PASS, SECONDED HARPER. MOTION CARRIED WITH ALL IN FAVOR EXCEPT PALMER OPPC

HB 445--LYNCH MOVED HB 445 DO PASS, SECONDED BY McFADDEN. MOTION CA WITH ALL IN FAVOR EXCEPT FOR BABCOCK ABSTAINING.

HB 648--LYNCH MOVED TO AMEND HB 648 AS PER STANDING COMMITTEE REPORT AS SO AMENDED DO PASS, SECONDED BY HARPER. MOTIONCCARRIED UNANIMOUSLY.

HB 63--Lynch submitted amendments to his bill (see exhibit I under February 25, 1975 minutes). HARPER MOVED TO AMEND HB 63 AS SUBMITTED BY LYNCH, AND AS SO AMENDED DO PASS. Dussault sai the implications of the bill were too broad, and Lynch comme that they must draw a line on the gov't., on their record-ke if the person is not guilty. He said that this has been abu the Dept. of S.R.S. Holmes suggested that maybe they could n an exception for the centralized file as they were not open t public scrutiny. Dussault said that this central registry wa needed, and said that this bill would tend to protect the adu over the child.

HOLMES MOVED A SUBSTITUTE MOTION THAT THE AMENDMENTS SUGGESTE BY PETE SURDOCK, DEPT. OF S.R.S. (see minutes of January 23, DO PASS. MOTION FAILED WITH A TIE VOTE.

LYNCH MOVED A SUBSTITUTE MOTION THAT THE BILL BE REFERRED TO BLOOR WITHOUT RECOMMENDATION AS AMENDED, SECONDED BY HARPER. MOTION FAILED WITH TIE VOTE.

The committee recommended to hold this bill in committee unti compromise could be worked out.

HB 353--DUSSAULT MOVED HB 353 DO PASS, MOTION CARRIED UNANIMOUSLY.

HB 129--MURPHY MOVED HB 129 AS AMENDED DO NOT PASS (see exhibit XV), SECONDED BY LESTER. MOTION CARRIED WITH ALL IN FAVOR EXCEPT DUSSAULT AND MENAHAN OPPOSED.

There being no further business, the meeting was adjourned to reconven February 22, 1975.

William Menahan

WILLIAM MENAHAN, Chairman

Gloria Wing

Exhibit 1

PROPOSED AMENDMENT TO HOUSE BILL 648

At the end of line 15 on page 2 following the word "RAILROAD" insert a period and strike all of line 16.

This would remove the possible conflict between that section and section 66-2426 on page 12 which provides for exceptions.

The reason for the exceptions in 66-2426 are that the industries referred to usually have their plumbing performed by experienced pipefitters.

TO: MEMBERS OF THE COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY, HOUSE O
REPRESENTATIVES, LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA

FROM: THE BOARD OF PLUMBERS, DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING, STATE OF MONTANA

RE: STATEMENT IN SUPPORT OF HB 648, "AN ACT TO GENERALLY UPDATE AND REVIS LAWS RELATING TO LICENSURE OF PLUMBERS:

SECTION 66-2412 OF THE EXISTING PLUMBERS REGULATORY ACT DECLARES THAT

> "the public health and welfare require that minimum standards for the planning, installing, altering, extending, repairing, and maintaining of plumbing systems be established for the protection of the people of the State."

THE BOARD OF PLUMBERS WHILE ATTEMPTING TO CARRY OUT THIS MANDATE, HAS ENCOUNTERED NUMEROUS DIFFICULTIES, PARTICULARLY IN ENFORCING THOSE LICENSIN AND CODE REQUIREMENTS WHICH HAVE BEEN DESIGNED TO ASSURE COMPETANT AND CORRI PLUMBING INSTALLATION. THEREFORE, THIS BILL IS SPECIFICALLY AND PRIMARILY DESIGNED TO REMEDY CERTAIN FLAWS IN THE EXISTING STATUTORY LANGUAGE WHICH H/ CAUSED THE DIFFICULTY.

RECOGNIZING TIME AS A VALUABLE COMMODITY TO THE COMMITTEE THIS MEMORAN WILL ATTEMPT ONLY TO HIGHLIGHT THOSE AREAS OF PROPOSED AMENDMENT YOUR BOARD DEEMS MOST NECESSARY AND SIGNIFICANT. HOWEVER, THE BOARD STANDS READY TO TF TO PROVIDE ANY INFORMATION OR ANSWER ANY QUESTIONS CONCERNING AMENDMENTS PROPOSED HEREIN WHICH ARE NOT COVERED IN THIS STATEMENT.

THIS MEMO WILL ADDRESS ITSELF TO THE PROPOSED CHANGES BY REFERRING TO T SECTION NUMBERS AS STATED IN HB 648.

SECTION 1. SECTION 66-2401 AS CURRENTLY WRITTEN HAS HERETOFORE REQUIRED LICENS TO ENGAGE IN PLUMBING ONLY WHERE THE PLUMBING ACTIVITY TAKES PLACE WITHIN TH INCORPORATED LIMITS OF A CITY OR TOWN OR THE PLUMBING IS TO BE CONNECTED TO PUBLIC WATER SUPPLY OR SEWER SYSTEM OF SUCH A CITY OR TOWN. THE BOARD HAS

OUTSIDE THE SCOPE OF THIS LIMITATION. THE BOARD FINDS THAT CURRENTLY EXTENSIVE PLUMBING IS TAKING PLACE IN NON-INCORPORATED SUBURBAN AREAS AND RURAL DEVELOPMENTS AND THAT A SIGNIFICANT SECTOR OF OUR POPULACE IS DEPENDING UPON THE WATER DISTRIBUTION SYSTEMS AND SEWAGE SYSTEMS PROVIDED IN THESE AREAS. THE BOARD FEELS THAT THESE CONSUMERS ALSO SHOULD BE PROVIDED THE GUARANTEE OF COMPETENCY THROUGH LICENSURE. THEREFORE THE BOARD PROPOSES TO AMEND THIS SECTION TO ALSO REQUIRE LICENSURE TO INSTALL PLUMBING IN ANY AREA WHICH IS SERVED BY A PUBLIC WATER SUPPLY OR SEWAGE SYSTEM. (PUBLIC WATER SUPPLY OR SEWAGE SYSTEM IS FURTHER DEFINED IN THE AMENDMENT TO SECTION 66-2401.1).

THIS AMENDMENT CONTINUES THE EXISTING PROVISION WHICH ALLOWS A SMALL RURAL OR REMOTE MUNICIPALITY THE OPTION OF BY RESOLUTION ALLOWING AN UNLICENSED PERSON TO PROVIDE PLUMBING SERVICES WHERE A LICENSED PLUMBER IS NOT REASONABLY AVAILABLE.

FINALLY THIS SECTION IS FURTHER AMENDED, IN RECOGNITION OF THE RIGHT OF A PERSON TO DO THE PLUMBING IN HIS OWN RESIDENCE OR ON HIS OWN PROPERTY AND WHO IS NOT HOLDING HIMSELF OUT OR SELLING HIS SERVICES AS A PLUMBER, TO DO SUCH PLUMBING WITHOUT BEING REQUIRED TO BE LICENSED. THE COMMITTEE WILL NOTE THAT AN EXEMPTION FROM LICENSURE IS PROVIDED FOR THE INSTALLATION OF WATER CONDITIONER SERVICES IN PRIVATE DWELLINGS BECAUSE SUCH INSTALLATION DOES NOT GENERALLY INVOLVE THE FIELD OF PLUMBING BUT RATHER A VERY LIMITED AREA FOR WHICH THE BOARD DOES NOT FEEL LICENSING IS NECESSARY.

SECTION 2. SECTION 66-2401.1 IS AMENDED TO ADD SEVERAL NEW DEFINITIONS. THE MOST SIGNIFICANT PROVIDES A DEFINITION FOR PUBLIC WATER SUPPLY AND PUBLIC SEWER SYSTEM. SINCE LICENSURE IS REQUIRED BY SECTION 66-2401 MENTIONED EARLIER FOR INSTALLATIONS IN AN AREA SERVED BY A PUBLIC WATER SUPPLY AND SEWER SYSTEM, THE NEED FOR THE DEFINITION BECOMES OBVIOUS. THE SELECTION OF THE NUMBER 10 (PUBLIC WATER SUPPLY) AND THE NUMBER 2 (PUBLIC SEWER SYSTEM) WAS MADE NOT SO MUCH

DEFINITION SET DOWN FOR ADMINISTRATION BY THE DEPARTMENT OF HEALTH IN THEIR REGULATORY FUNCTION.

THIS SECTION FURTHER DEFINES WHAT SHALL CONSTITUTE THE FIELD OF PLUMBING SINCE SECTION 66-2401 REQUIRES LICENSURE FOR ENGAGING IN THE FIELD OF PLUMBING. SINCE MOST PLUMBING ACTIVITY WHICH COULD RESULT IN AN IMPAIRMENT TO THE PUBLIC WATER SUPPLY OR SEWER SYSTEM SHOULD REQUIRE GUARANTEE OF COMPETENCY THROUGH LICENSURE, THIS DEFINITION IS RATHER ALL INCOMPASSING AND INCLUDES INSTALLATION, REMOVAL, AND ALTERATION.

FINALLY THE AMENDMENT DEFINES WHAT CONSTITUTES THE WORK OF A JOURNEYMAN AND MASTER PLUMBER. THE BOARD FEELS THAT THIS DISTINCTION MUST BE MADE TO INSURE THAT A JOURNEYMAN PLUMBER IS NOT DOING THE WORK OF A MASTER PLUMBER WITHOUT A LICENSE.

CTION 3. SECTION 66-2402 (2) (a) (iii) IS PROPOSED BECAUSE HERETOFORE THE STATUTE HAVE NOT BEEN CLEAR WHETHER OR NOT A JOURNEYMAN PLUMBER CAN WORK ONLY UNDER THE EMPLOY OF A LICENSED MASTER. THE BOARD FEELS THAT IN ORDER TO GUARANTEE THAT A JOURNEYMAN IS PROVIDING PROPER PLUMBING INSTALLATION SERVICES THAT HE SHOULD WORK UNDER THE SUPERVISION OF A LICENSED MASTER. THIS SECTION MAKES THAT CLEAR. AN EXCEPTION IS MADE AT THE END OF THIS SENTENCE TO ALLOW THE BOARD THE DISCRETIO TO ALLOW A JOURNEYMAN TO WORK WHILE NOT IN THE EMPLOY OF A MASTER. THIS IS NECESSARY IN THE CASE OF A JOURNEYMAN PLUMBER WHO IS WORKING ON A SALARY BASIS FOR A GOVERNMENTAL ENTITY OR A SCHOOL SYSTEM PROVIDING ONLY MINOR MAINTENANCE SERVICE.

ECTION 4. THE AMENDMENTS TO THIS SECTION FINALLY PROVIDE UNDER (b) (iv) THAT THE MASTER PLUMBER SHALL BE RESPONSIBLE FOR THE PLUMBING WORK DONE BY HIS JOURNEYMAN AND APPRENTICE EMPLOYEES. THIS SECTION IS ADDED TO CLARIFY THIS RESPONSIBILITY WHICH IS NOT SET OUT IN THE EXISTING STATUTES, OF WHICH THE BOARD

RECURRENT PROBLEM. THE EXISTING STATUTES REQUIRE THAT BEFORE A PERSON MAY ENGAGE IN THE BUSINESS OF PLUMBING AS A MASTER HE MUST BE DULY LICENSED. THIS IS OFTEN CIRCUMVENTED WHERE AN UNLICENSED PERSON IS ABLE TO SOMEHOW SECURE OR "BORROW" THE MASTER LICENSE OF A DULY LICENSED MASTER PLUMBER. IN PRACTICALLY ALL OF THESE INSTANCES THE LICENSED MASTER PLUMBER WHO "LENDS" HIS LICENSE ENGA IN LITTLE OR NO SUPERVISORY CONTROL OVER THE BUSINESS TO WHOM HIS LICENSE IS "LENT". THEREFORE THE AMENDMENT STARTING ON PAGE 7 - LINE 23 OF THIS SECTION IS WRITTEN SPECIFICALLY TO PROVIDE THAT A MASTER PLUMBER MAY NOT ALLOW HIS LICENSE TO BE SO USED BY ANOTHER PERSON.

SECTION 7. SECTION 66-2411 IS AMENDED SIMPLY TO EXPAND THE PENALTY PROVISIONS TO CONFORM WITH THE EXPANSION OF THE LICENSING REQUIREMENT PROPOSED UNDER SECTION 66-2401. THIS PENALTY SECTION IS FURTHER AMENDED TO MAKE CLEAR THAT THE PENALT PROVISION DOES NOT APPLY TO THOSE KINDS OF INSTALLATIONS EXEMPT FROM LICENSURE UNDER SECTION 66-2401 AND 66-2426.

SECTION 8. IT IS YOUR BOARD'S UNDERSTANDING THAT SECTION 66-2415 WAS SPECIFICALLY WRITTEN TO GUARANTEE THAT ANY PERSON WHO MAY FOR INADVERTANT REASONS OR OTHER-WISE EMPLOY AN UNLICENSED PLUMBER SHALL NOT SUFFER ANY PENALTY. HOWEVER, THE LANGUAGE IN THIS SECTION AS NOW WRITTEN HAS OFTEN BEEN CONSTRUED TO MEAN THAT NOTHING IN THE ACT WOULD REQUIRE LICENSURE OF PLUMBERS IN ANY INSTANCE. SINCE THIS OBVIOUSLY WAS NOT THE INTENT OF THIS SECTION, THE AMENDMENT HEREIN PROPOSI ATTEMPTS TO CLARIFY THE MEANING.

SECTION 9. THIS SECTION IS AMENDED TO MAKE IT CLEAR THAT IN THE INTEREST OF PUBLI SAFETY AND HEALTH ALL PLUMBING SHALL MEET THE REQUIREMENTS OF THE STATE PLUMBI CODE, REGARDLESS OF WHETHER OR NOT IT IS PUT IN BY LICENSED PLUMBER OR HOME OWI OR REGARDLESS OF WHETHER OR NOT IT IS WITHIN THE LIMITS OF AN INCORPORATED CIT OR TOWN. (EXCEPT WHERE EXEMPT BY SECTION 66-2406)

SECTION 12. SECTION 66-2426 IS PROPOSED TO BE AMENDED BY DELETING THE EXEMPTION

PROVISIONS OF THIS ACT. WHILE SUCH INSTALLATION IS EXEMPT FROM LICENSURE UNDER SECTION 66-2401, THE BOARD DOES NOT FEEL THAT INSTALLATION OF WATER CONDITIONERS SHOULD BE EXEMPT FROM FOLLOWING THE REQUIREMENTS OF THE STATE PLUMBING CODE. TH IS TO SAY, SUCH INSTALLATION SO MATERIALLY AFFECTS THE WATER DISTRIBUTION SUPPLY THAT THE BOARD FEELS THAT THE CODE SHOULD BE FOLLOWED IN ORDER TO GUARANTEE THAT THE COMMON SUPPLY WILL NOT BE JEOPARDIZED BY FAULTY INSTALLATION.

THE BOARD RESPECTFULLY REQUESTS YOUR CONSIDERATION OF THIS STATEMENT AND TH PROPOSED BILL AND EXTENDS ITS SINCERE APPRECIATION FOR YOUR CONCERN WITH THIS ENDEAVOR.

T E S T I M O N Y

A. W. Clarkson, P.E.
Public Health Engineer
MONTANA DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL SCIENCES
and
Secretary
MONTANA PLUMBING BOARD

In favor of House Bill 648.

BEFORE THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE:

STATEMENT

This act proposes to amend the existing plumbing law to make it cover some of the areas that are now exempt. At the present time, the act applies only to incorporated cities and towns with a public water system. The water users associations, communities that are unincorporated, motels, trailer courts, bars, restaurants, and such establishments serving the general public have not been included in the act. The proposed change would make the act apply to any area served by a public water supply or a public sewer system. The definition of a public water supply would be any water supply serving ten or more families or 25 persons on a continuous and regular basis. This is the same definition as used by the Department of Health and Environmental Sciences in the state water surveillance program.

There are some exemptions to the licensing requirements of the act; namely, the owner of a single-family residence used for his personal use; mines, mills, smelters, refineries and railroads not connected to a public water utility system; farms and ranches having their own water supply; cities and towns extending the water and sewer mains which are now under the jurisdiction of the Department of Health; and installation of water-conditioning services in private dwellings. None of these requires licensing. There are some changes in the definisions basically for clarity and to improve administration of the act.

Two important items included in the act require (1) that a licensed journeyman plumber may perform work only in the employment of a licensed master plumber unless otherwise permitted by rule of the board, (2) that a master plumber is not authorized to perform the work of a journeyman plumber unless he is also licensed as a journeyman plumber. It further requires that a master plumber must hire only journeyman plumbers who are licensed by the board. Another factor is that a master plumber shall not allow his license to be used by any person, firm, or corporation or business other than his own for the purposes of obtaining permits or

for doing plumbing work under this license. This has been a problem in the past with out-of-state plumbers coming into Montana and who are not being licensed to do work in the state will hire the license of a Montana master plumber who does not necessarily have to supervise the work for the contractor. This is a blatant violation of the existing plumbing code, but under our present plumbing code, there is no action that can be taken against a man as long as a master plumber's license is available on the job--even though the master plumber assumes no responsibility for the work being done.

The revision to Section 66-2415, page 9, line 18 through 24, does not hold a person guilty for hiring a nonlicensed plumber but does hold the unlicensed person guilty for practicing plumbing without a license. This would protect the public from damages should they hire an individual who professes to be a plumber but does not hold a license. Other changes to the act are basically those of clarification to make the act more workable and more easily enforceable.

Public health officials have long been concerned about good plumbing, and this is why the Department of Health is represented on the state Board of Plumbers. It is important that the state have a workable plumbing

law and plumbing code to ensure the health of the public is not jeopardized.

Volumes have been written on the control of cross connections and faulty plumbing which, through back siphonage, has caused illness to persons drinking water from the improperly constructed plumbing system in a building. Plumbing is frequently installed by persons who are unaware of the inherent dangers of cross connections. Connections are made as a matter of convenience without regard to the dangerous situations that may be created and some connections are made with reliance of inadequate protection such as a single valve or other mechanical device which may fail. Many instances of illness can be cited because of bad plumbing--one of the most noted is the incident during the Chicago World's Fair in 1933 where there were 1,400 cases of Amoeba dysentery of which 98 persons died. An official investigation indicated that old, defective plumbing permitted back siphonage from bathroom fixtures into the drinking water taps carrying the Amoeba cyst causing the illness. Another similar situation was an outbreak in 1969 of infectious hepatitis involving the entire Holy Cross football squad, the coaches and supporting staff. In this case, an improperly constructed irrigation system siphoned back through the drinking water taps carrying infectious hepatitis virus to the football

players and the staff. The source of the virus was from a family infected with hepatitis living in the vicinity of the football field. Children of this family frequently played around the irrigation system outlets permitting contamination to get into this water. A more recent experience of a possible water-borne outbreak was caused at Big Sky where water has been implicated as a possible vehicle of an intestinal illness. Circumstances strongly point to the water supply. Certain portions of the water system were not constructed according to plans. Water samples from the well indicated possible contamination with sewage, and water samples throughout the area also indicated similar organisms. After thoroughly chlorinating the water system, all contamination in the distribution system was eliminated and the illness was stopped. These are cases where bacteriological contamination was involved. Another incident that occurred during the past summer in Boston was the case where during a noon luncheon for President Nixon's consumer advocate, Virginia Knauer, the water in the drinking taps was noted to have an amber color. Upon investigation, it was found that the water contained a chromate compound. This material was used in the air conditioning system as a rust inhibitor. Somehow through bad plumbing, there was a cross connection

between the air conditioning cooling water and the drinking water supply in the convention complex. It was detected in time and no persons were made ill through chromate poisoning as all water taps where shut off until the condition could be corrected.

Because of the fact that good plumbing is required to protect the health and welfare of the people of the state of Montana, we urge that this committee give favorable consideration to the proposed revisions of the state plumbing law to make it more workable and enforceable for the board and the inspector.

Thank you.

LADIES AND GENTLEMAN OF THIS COMMITTEE:

I WOULD LIKE TO SPEAK AS A PROPONENT TO HOUSE BILL 648. OUR PR STATE PLUMBING LAW IS MORE THAN 25YEARS OLD AND IS IN VERY BAD NEED OF VISION TO BRING IT UP TO DATE WITH OUR MODERN METHODS AND MATERIALS A CODES. ONE OF OUR CURRENT PROBLEMS LIE OUTSIDE OUR INCORPORATED CITIE AND TOWNS SUCH AS BIG SKY, COLSTRIP AND MANY OTHER AREAS WHERE THE HEA AND WELFARE OF THE GENERAL PUBLIC IS IN JEOPARDY BY NOT HAVING THE PR TECTION OF OUR STATE PLUMBING BOARD.

OUR POPULATION HAS GROWN AND HAS SPREAD OUT FROM THE CITIES TO OUTER FRINGES TO THE RURAL AREAS. HOMES ARE BEING BUILT AND SOLD WITH MENTION OF THE PLUMBING AND HEATING SYSTEMS MEETING THE STATE PLUMBING CODE. THE PLUMBING BOARD HAS ON MANY OCCASIONS BEEN ASKED TO INSPECT V LATIONS THAT ARE OUT OF OUR PRESENT AUTHORITY AND HAS COST THE HOME OW UNECESSARY EXPENSE BECAUSE THEY WHERE NOT PROTECTED BY THE STATE LAW. THE AVERAGE A PERSON THAT BUYS A NEW HOME THINKS THEY ARE PROTECTED BY STATE MINIMUMS HOWEVER THERE ARE MANY HOMES IN THE RURAL AREAS THAT DO MEET OUR PRESENT STATE PLUMBING CODE AND THE HOME OWNERS ARE HAVING T CORRECT THESE VIOLATIONS AT THERE EXPENSE.

I HAVE PREPARED TWO BROCHURES WITH PHOTOS AND A BRIEF DESCRIPTIO OF THE VIOLATIONS. THESE ARE JUST A FEW OF THE VIOLATIONS THAT I HAVE COUNTERED IN THE FIELD. THESE PHOTOS WIL GIVE YOU FOLKS A IDEA WHAT HA HAPPENED TO NEW HOMES AS WELL AS OLD ONES.I AM SURE THAT AFTER YOU LOO AT THESE PHOTOS YOU WILL AGREE THE NEED FOR BETTER AND UP TO DATE PLUM LAWS.

AN OTHER THING TO KEEP IN MIND IS THE POTENTIAL PROBLEMS OF CROS CONECTION AND COTAMINATION THAT POSES A SERIOUS THREAT TO THE HEALTH A

WELFARE OF THE INNOCENT PUBLIC.

AT THE PRESENT TIME WE HAVE MANY AREAS THAT ARE OPEN TO THE PUBLIC SUCH AS BIG SKY THAT DOES NOT HAVE THE PROTECTION OF PLUMBING LAWS. IT IS QUITE POSSIBLE THAT IF THE STATE PLUMGING BOARD WOULD HAVE HAD THE AUTHORITY AT BIG SKY,MONTANA THAT THE SICKNESS WHICH OCCURED THER ABOUT THREE WEEKS AGO COULD HAVE BEEN ELIMINATED BY BETTER CODE ENFORCEMENT.

WITH THE INTERSET OF THE GENERAL PUBLIC IN MIND I HOPE THIS COMMITTEE WILL GIVE HOUSE BILL648 FAVORABLE COSIDERATION.

THANK YOU

Elmer Lazure

ELMER LAZURE

MONTANA STATE PLUMBING INSPECTOR.

HB 648

Amend page 2, Section 1, line 16
Strike: "not connected to a public or private utility system"

Amend page 8, Section 6, lines 7 and 8

Amend page 9, Section 8, line 15
Following: "not to"
Strike: "require employment of licensed"
Insert: "impose penalties on hiring of unlicensed"

AND AS AMENDED, DO PASS

HOUSE BILL NO. 648

Page 2, Line 23,

Insert:

"(f) EXTENDING PUBLIC WATER AND SEWER MAINS TO WITHIN 5 FEET AND ZERO INCHES OF THE BUILDINGS IN CITIES, TOWNS, SEWER AND WATER DISTRICTS."

44th LEGISLATIVE SESSION

COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE CU
HB 563	2/26/75	3/21/75	3/21/75				3/21/75		
HB 583	2/27/75	-	3/10/75	Referred to Local Government					
HB 612	2/27/75	3/12/75	3/12/75				3/12/75		
HB 632	2/28/75	3/10,3/12	3/12/75						3/
HB 633	3/4/75	3/10/75	3/11/75	Referred to Judiciary					
HB 648	3/5/75	3/10,3/14 3/19,3/21	3/21/75					3/21/75	
HB 656	2/26/75	3/14,3/19	3/19/75					3/19/75	
HB 676	3/4/75	3/17,3/19	3/19/75				3/19/75		
HB 691	3/11/75	3/17,3/19 3/21	3/19/75	Without Recommendation					

Discussion was then held by the committee. Chairman Lee asked if the Human Rights budget was separate. Dave Fullers stated that it was under the department of Labor. Senator Norman asked if the Human Rights Commission would have the investigation function or judicial function. Mr. Fuller stated that both are internal operation procedures.

CONSIDERATION OF HOUSE BILL 648: An act to generally update and revise laws relating to licensure of Plumbers.

Representative Lynch, sponsor of the bill, appeared before the committee to introduce this bill. This is not a difficult bill but an important bill to the board of plumbers across the state of Montana It clarifies and updates language. Proposed one amendment. (See attach

A. W. Clarkson, of the Board of Plumbers, appeared before the committee in support of HB 648. This act proposes to amend the existing plumbing law to make it cover some of the areas that are now exempt. Two important items included in the act require (1) that a licensed journeyman plumber may perform work only in the employment of a licensed master plumber unless otherwise permitted by rule of the board. (2) that a master plumber is not authorized to perform the work of a journeyman plumber unless he is also licensed as a journeyman plumber. (See attached testimony.)

Elmer Lazure, Montana State Plumbing Inspector, appeared in support of this bill. One of the current problems lie outside of the incorporated cities and towns such as Big Sky, Colstrip where the health of the genral public is in jeopardy. Mr. Lazure stated that he has brochures of photos and a brief description of the violations that are available to the committee if requested. (See attached testimony.)

Mitch Mihailovich, of the Montana State Plumbers Board, appeared in support of HB 648. This is important to assure the welfare of the general public.

Joseph Martin, Montana Association of journeyman plumbers, appeared in support of this bill.

Pete Gilligan, appeared in support of HB 468. The congress of the Unites States is working to accomplish the clean water bill and the only way we can help it to be sure plumbing facilities are installed properly. This cannot be accomplished without the protection of the law.

H. S. Hanson, of the Montana Technical Council, appeared to amend this bill. Amend it to five feet out side of the building. (see attached amendment.)

Tim Malloy, staff attorney for the department of licensing, appeared in support of HB 648. (See attached statement & Amendment.)

Representative Lynch then stated that a question came up about appliance dealers having to have a license to install appliances.

Ross Cannon, of the Montana Mobile Homes Association, appeared to amend the bill. There should be an exception for mobile home dealers for installation. (See attached amendment.)

Chad Smith, of the Montana School Board, appeared in opposition to HB 648. There is no general opposition to the provisions of th bill in revising the mechanics. This bill makes no allowances for maintenance men. There should be exception in this bill for maint men who are qualified to do this work, therefore we submit this pr amendment. (See attached.)

Carl Rostad, of the Montana Innkeepers Association, appeared i opposition to HB 648. Mr. Rostad supported the amendment presente by Mr. Smith. The Innkeepers also have maintenance men employed do this kind of work and should not have to be licensed.

Representative Lynch, in closing, stated he was amazed at the opposition that did not come out in the House and amazed at Mr. Sm amendment to the bill, when the bill itself is the greatest protec the schools and hospitals have. The public should be protected. amendment proposed by Mr. Hanson is not necessary either.

Discussion was then held by the committee.

ADJOURN:

There being no further business, the meeting was adjourned at 11:00 a.m.

Robert E. Lee, Chairman

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

March 14, 1975

The twenty-sixth meeting of the Labor and Employment Relations Committee was called to order by Chairman Lee on the above date in Room 402 of the State Capitol Building at 4:45 p.m.

ROLL CALL: All members present with Senator Hazelbaker excused.

DISPOSITION OF HOUSE BILL 481: Senator Etchart moved to adopt th amendment. (See Standing Committee Report.) At this point Senator Blaylock asked why this was being put in. Chairman Lee stated that it was at the recommendation of the School Board Association and was agreed upon by other parties. Motion carried unanimously. The Senat Blaylock introduced another amendment and moved that the amendment be adopted. At this point Senator Lee read a note from Representativ Johnson, sponsor of the bill, that he consented to Senator Blaylock's amendment. Motion failed on a tie vote with Senator Hazelbaker, Sena Etchart, Senator Olson, and Senator Smith opposed. (See attached cop of Senator Blaylock's proposed amendment.) Senator Etchart moved tha HB 481 AND AS SO AMENDED, BE CONCURRED IN. Motion carried unanimousl

FURTHER CONSIDERATION OF HOUSE BILLS 450 and 648: Chairman Lee stated that these bills should be put into a subcommittee. Chairman Lee then appointed Senator Mehrens, Senator Blaylock and Senator Etch to a subcommittee to study House Bills 450 and 648.

ADJOURN:

There being no further business, the meeting was adjourned at 5:25 p.m.

Robert E. Lee, Chairman

DISPOSITION OF HOUSE BILL 648: Senator Mehrens moved that the amendments offered by the Board of Plumbers be not adopted. Motion carried unanimously. Senator Mehrens moved to adopt the amendments proposed by Representative Lynch and Tim Meloy. Motion carried unanimously. (See standing committee report.) Senator Mehrens moved that the amendments proposed by S. H. Hansen not be adopted. Motion carried with Senator's Olson, Hazelbaker, and Etchart opposed. Senator Mehrens moved that the amendments proposed by Chad Smith not be adopted. Motion carried with Senators Hazelbaker, Olson and Etchar opposed. Senator Mehrens moved that the amendments proposed by Ross Cannon for the Mobile Home Dealers not be adopted. Motion carried with Hazelbaker, Etchart and Olson opposed. Senator Mehrens then moved that HB 648 AND AS SO AMENDED, BE CONCURRED IN. Motion carried with Senator's Hazelbaker, Etchart and Olson opposed.

DISPOSITION OF HOUSE BILL 450: Senator Mehrens moved that HB 450 BE CONCURRED IN. Motion carried with Senator's Olson, Hazelbaker and Etchart opposed.

ADJOURN:

There being no further business, the meeting was adjourned at 12:15 p.m.

Robert E. Lee, Chairman

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-19-75 HOUSE Bill No. 648 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: SENATOR MEHRENS moved that Amendments offered by board of Plumbers ~~Not~~ be adopted. Motion CARRIED UNANIMOUSLY.

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date _____ HOUSE Bill No. 648 Time _____

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: SENATOR MEHRENS MOVED to adopt AMENDMENTS proposed by Rep. LUNDE AND Tim MALLEY ~~that~~ ~~adopted~~. MOTION CARRIED UNANIMOUSLY. (SEE STANDING COMMITTEE REPORT)

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date _____ House Bill No. 648 Time _____

NAME	YES	NO
Senator Robert Lee, Chairman	—	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart		—
Senator Frank Hazelbaker		✓
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson		✓

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Mehrens moved that Amendments proposed by Sonny Hansen not be Adopted. Motion carried with Senators Olson Hazelbaker, and Etchart opposed.

(Include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-19-75 ~~House~~ Bill No. 618 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart		✓
Senator Frank Hazelbaker		✓
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson		✓

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Mehrens moved that amendments proposed by Chad Smith ~~not~~ be Adopted. Motion carried with Senators Hazelbaker, Olson and Etchart opposed

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-19-73 House Bill No. 648 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart		✓
Senator Frank Hazelbaker		✓
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson		✓

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Mehrens moved that the Amendments proposed by Ross Cannon for the Mobile Home Dealers Not Be Adopted. Motion carried w. the Hazelbaker, Etchart - Olson opp

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-19-25 House Bill No. 648 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart		✓
Senator Frank Hazelbaker		✓
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson		✓

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Mehrens moved that HB 648 and as so amended be concurred in. Motion carried with Senators Hazelbaker, Etchart, and Olson opposed.

(include enough information on motion--put with yellow copy of committee report.)

Original Standing Committee Report with minutes for March 21, 1975. Committee Held Report for further consideration of this action.

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 648

Respectfully report as follows: That HOUSE Bill No. 648

third reading copy, be amended as follows:

1. Amend page 2, section 1, line 14.
   Following: "piping;"
   Insert: "or, where a mobile home dealer makes such installati to existing facilities as part of delivering and setting up a mobile home for a purchaser;"

2. Amend page 2, section 1, line 22.
   Following: "dwellings"
   Strike: " . "
   Insert: " ; "

3. Amend page 2, section 1, line 22.
   Following: line 22
   Insert: "(f) Minor work by employees or agents of an applian dealer, incidental to the installation of an applian purchased from the dealer."

~~DO PASS~~

AND AS SO AMENDED, BE CONCURRED IN

DISPOSITION OF HOUSE BILL 562: Senator Norman moved that HB 562 BE CONCURRED IN. Motion carried unanimously.

DISPOSITION OF HOUSE BILL 563: Senator Blaylock moved that HB 563 BE CONCURRED IN. Motion carried unanimously.

FURTHER CONSIDERATION OF HOUSE BILL 691: During the meeting on March 19, 1975 HB 691 had been acted upon. During this meeting Chairman Lee extended the courtesy of voting on this bill to Senator Blaylock who had to attend another meeting. His vote on this bill caused a conflict in motions. So Senator Norman moved to reconsider our action on HB 691. Motion carried unanimously, with Senator Mehrens excused. It was decided that the first motion by Senator Olson made on March 19, 1975 be used. This motion was that HB 691 BE NOT CONCURRED IN. Vote tied HB 691 went out WITHOUT RECOMMENDATIO

FURTHER CONSIDERATION OF HOUSE BILL 648: Senator Blaylock moved to reconsider our motion on HB 648. Motion carried. Senator Blaylock then moved that HB 648 be amended to included the amendment proposed by Ross Cannon for the mobile home dealers. (See attached.) Motion carried unanimously. Senator Blaylock moved that HB 658 AND AS SO AMENDED BE CONCURRED IN. Motion carried with Olson & Etchart opposed.

FURTHER CONSIDERATION OF HOUSE BILLS 330, 331, 332, & 461: These four bills were heard in a joint meeting between the House and the Senate on Feburary 20, 1975 at 7:30 p.m. The testimony was heard jointly on all four bills. The committee held general discussion on these four bills.

Senator Blaylock asked what the last time was that the base went over the $4,200 level. Fred Barrett, of the Employment Security Division, stated that this occurred in 1972. Bob Helding, of the St. Regis Paper Company asked how many states went over $4,200. Mr. Barrett stated that there are six states over $4,200.

Harold Kansier, of the Employment Security Division, stated that to increase the taxable wage base to $4,800 would bring in additional funds in the amount of $1,360,000 for the year. Senator Blaylock asked what percentage of that would the employer be charged. Mr. Kansier stated that it would be 1.5% of the available tax rate. Chairman Lee stated that the rate would start at the minimum and then go to the maximum. Mr. Kansier stated that it would start at 1.5% and then go to the 3.1%. Mr. Barrett added that you increase the taxable base on $4,200 to $4,800 and apply the rate of tax to $4,800.

Senator Norman asked that if you presume the tax base goes from $4,200 to $4,800 and the rate remains the same, how much money is that for the next biennium? Mr. Helding stated that it would be a 18% increase or $600 more wages. They don't stop at $4,200 they go on to $4,800. In figures this is first $1,360,000 for 1976 and then $1,540,000 for 1977.

Mr. President:

We, your Committee on Labor and Employment Relations, having had under consideration House Bill No. 648, report as follows: That House Bill No. 648 be amended as follows:

1. At page 2, Section 1(2)(a), line 14
   Following: "piping;"
   Insert: "or, where a mobile home dealer makes such installation to existing facilities as part of delivering and setting up a mobile home for a purchaser;"

And as so amended, do pass.

_____
Chairman

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-21-75 House Bill No. 648 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Blaylock moved to reconsider our ~~Motion~~ Action on HB648. Motion carried unanimously.

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-21-75 House Bill No. 648 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Blaylock then moved that HB648 be amended to include the amendment of Ross Cannons for Mobile Home dealers Motion Carried unanimously

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-29-75 House Bill No. 648 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart		✓
Senator Frank Hazelbaker	✓	
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson		✓

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Blaylock moved that HB 648 DNP As So Amended Be Concurred In. Motion carried with Senators Etchart and Olson opposed.

(include enough information on motion--put with yellow copy of committee report.)

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No.

AMENDMENT TO HOUSE BILL 461

Be amended in the introduced bill as follows:

1. Amend title, page 1, line 12.
   Insert: "change the taxable wage base;"

2. Amend page 15, line 25.
   Strike: "year"
   Insert: "years"

3. Amend page 15, line 25.
   Strike: "and thereafter"
   Insert: "1973, 1974"

Respectfully report as follows: That line 25 HOUSE Bill No.
third reading copy, be amended as follows:
wage base shall for each
is

1. Amend page 2, section 1, line 14.
   Following: "piping;" st multiple of one
   Insert: "or, where a mobile home dealer makes such instal
   to existing facilities as part of delivering and
   setting up a mobile home for a purchaser;"
   vided for in Section 87-103 (b),

2. Amend page 2, section 1, line 22.
   Following: "dwellings"
   Strike: " . "
   Insert: " ; "

3. Amend page 2, section 1, line 22.
   Following: line 22
   Insert: "(f) Minor work by employees or agents of an app
   dealer, incidental to the installation of an app
   purchased from the dealer."

DO PASS
AND AS SO AMENDED, BE CONCURRED IN

Bob Lee

April 15, 1975

The Honorable Gordon McOmber
President of the Senate
State Capitol
Helena, Montana 59601

Dear Mr. President:

I respectfully submit the following appointments to your honorable body:

As members of the Board of Livestock, in accordance with Section 82A-1303, as amended by House Bill 480 which was signed into law on April 12, 1975:

Vernon V. Keller, Fishtail, to represent the sheep producer;

Ralph J. Parker, Fort Shaw, is a dairy producer representing the dairy and poultry industry; and

Eugene C. Donaldson, Helena, to represent the swine producer on the Board.

All the above members will serve a term ending March 1, 1981.

Sincerely,

THOMAS L. JUDGE
Governor

Referred to Committee on State Administration.

April 14, 1975

Honorable Pat McKittrick
Speaker of the House of Representatives
State Capitol

Honorable Gordon McOmber
President of the Senate
State Capitol

Dear Speaker McKittrick and President McOmber:

In exercising the constitutional powers conferred upon me as Governor, I return House Bill 648, "AN ACT TO GENERALLY UPDATE AND REVISE LAWS RELATING TO LICENSURE OF PLUMBERS; AMENDING SECTIONS 66-2401, 66-2401.1, 66-2402, 66-2403, 66-2404, 66-2406, 66-2411, 66-2415, 66-2416, 66-2419, 66-2420, AND 66-2426, R.C.M. 1947", without my signature and recommend the following amendment.

In exercising this amendatory veto, I must emphasize that I take no position on the content of House Bill 648 itself. However, as enrolled, one provision of this bill violates the principles of the Executive Reorganization Act. The amendment that I am offering would simply make this legislation conform to that Act. House Bill 648 refers to the Apprenticeship Bureau, Labor Standards Division. This Bureau and Division are administratively created units of the Department of Labor and Industry. Earlier this session I indicated that I would oppose any attempts to codify administratively created units within departments. Therefore, the amendment that I am suggesting would simply delete reference to the Bureau and the Division of the Department of Labor and Industry and would substitute a reference to the Department itself. In this manner, the Department

will be free to reorganize in the future without having to resort to the introduction of legislation to change the names of bureaus and divisions.

I respectfully urge your concurrence.

Sincerely,

THOMAS L. JUDGE
Governor

Recommended amendments referred to Second Reading.

April 14, 1975

Honorable Pat McKittrick
Speaker of the House of Representatives
State Capitol

Honorable Gordon McOmber
President of the Senate
State Capitol

Dear Speaker McKittrick and President McOmber:

In exercising the constitutional powers conferred upon me as Governor, I return House Bill 666, "AN ACT REQUIRING DISAPPROVAL OF ANY SUBDIVISIONS IN THE ABSENCE OF A DEMONSTRATED PUBLIC INTEREST; AMENDING SECTIONS 11-3860, 11-3861 AND 11-3866, R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE", without my signature and recommend the following amendments.

No bill has sparked more debate this session that House Bill 666. I fully endorse the basic intent of the legislation because it will give local governing bodies objective criteria on which to base decisions concerning the approval or disapproval of subdivision activity.

However, I believe that a revision of two of the criteria to be considered by local governments is needed. My proposed amendment #1 will make it clear that a determination of the need for a subdivision is a determination that should be made by the local governing body involved. My amendment simply specifies that the basis of the need for a subdivision will be defined in regulations adopted by the governing body. The housing and subdivision needs of Missoula County are different than those of Yellowstone County. Therefore, this amendment will give local governments the flexibility to determine just what the needs of the jurisdiction are.

Proposed amendment #2 specifies that in considering expressed public opinion, the opinions expressed must relate to the criteria contained in House Bill 666. If local governments are going to be required to weigh public opinion, then the opinions must relate to the criteria that the local government must evaluate in approving or disapproving of subdivisions.

I request your careful consideration of this amendatory veto.

SINCERELY,

THOMAS L. JUDGE
Governor

Recommended amendments referred to Second Reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communications from the House were received and read:

HB 0648/04

HOUSE BILL NO. 648

INTRODUCED BY LYNCH (BY REQUEST)

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY UPDATE AND REVISE LAWS RELATING TO LICENSURE OF PLUMBERS; AMENDING SECTIONS 66-2401, 66-2401.1, 66-2402, 66-2403, 66-2404, 66-2406, 66-2411, 66-2415, 66-2416, 66-2419, 66-2420, AND 66-2426, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 66-2401, R.C.M. 1947, is amended to read as follows:

"66-2401. Plumbers -- license required -- exception. (1) Any person working at the ~~business~~ field of plumbing, in any incorporated city, ~~or~~ town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who, while working at the ~~business~~ field of plumbing, shall connect plumbing to or disconnect plumbing from a ~~water-or-sewer-system-of-such-a-city-or--town,--which serves--the--public~~ public water supply or public sewer system, shall first secure a state license as hereinafter provided. Provided that the council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly licensed person or persons ~~is~~ are not reasonably available, may, by ordinance, rule or resolution duly adopted, and upon reasonable notice to the board of ~~plumbing---examiners~~ plumbers and upon their approval, authorize the practice ~~of the-business~~ in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons ~~is~~ are reasonably available.

(2) Licensure is not required in the following instances of plumbing installation:

(a) Where an owner of a single family residence used exclusively for his personal use, makes the installation himself for all sanitary plumbing and potable water supply piping; OR, WHERE A MOBILE HOME DEALER MAKES SUCH INSTALLATION TO EXISTING FACILITIES AS PART OF DELIVERING AND SETTING UP A MOBILE HOME FOR A PURCHASER;

(b) In any mine, mill, smelter, refinery, or railroad; ~~not-connected-to-a-private-or-public-utility-system~~

(c) In farms or ranches having their own private water supply and sewage disposal systems;

(d) In cities and towns extending their own city water and sewer mains;

(e) Installation of water conditioner services in private dwellings~~.~~;

(F) MINOR WORK BY EMPLOYEES OR AGENTS OF AN APPLIANCE

4/19/75

REFERENCE BILL
Second Printing - Governor's Amendments Included

DEALER, INCIDENTAL TO THE INSTALLATION OF AN APPLIANCE PURCHASED FROM THE DEALER."

Section 2. Section 66-2401.1, R.C.M. 1947, is amended to read as follows:

"66-2401.1. Definitions. Unless the context requires otherwise, in this act:

(1) "Board" means the board of plumbers, provided for in section 82A-1602.22; ~~and~~

(2) "Department" means the department of professional and occupational licensing, provided for in Title 82A, chapter 16~~.~~;

(3) "Public water supply" means any community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that serves ten (10) or more families, or twenty-five (25) or more persons on a regular and continuous basis;

(4) "Public sewer system" means any common sewer carrying liquid wastes from two or more dwellings, or any other facility that serves the public;

(5) "Journeyman plumber" means a person who is authorized to make installation of all sanitary plumbing and potable water supply piping and appliances connected thereto;

(6) "Master plumber" means a person who is authorized by this act to plan, estimate, bid, contract for, and

supervise plumbing work; and

(7) "Field of plumbing" means the business, trade or work having to do with the installation, removal, alteration or repair of plumbing and drainage systems or parts thereof."

Section 3. Section 66-2402, R.C.M. 1947, is amended to read as follows:

"66-2402. Application for state license -- qualifications of licensees. (1) A person desiring to work at the business of plumbing in ~~a city or town~~ the state of Montana shall file his application for a license with the department, and shall at the time and place designated by the board, be examined as to his qualifications for working in this business.

(2) The following requirements shall be met by applicants for a license:

(a) For journeyman plumbers:

(i) A specific record of ~~five (5)~~ four (4) years experience in the field of plumbing, of a character satisfactory to the board. This experience requirement may be fulfilled by working ~~five (5)~~ four (4) years in a major phase of the plumbing business, or by completing an apprenticeship program meeting the standards set by the department of labor and industry or the United States department of labor, bureau of apprenticeship, or credit

towards this experience requirement may be given for time spent attending an accredited trade or other schools specializing in training of value in the ~~plumbing-business~~ field of plumbing and approved by the board.

(ii) Satisfactory completion of an examination conducted by the department, subject to section 82A-1603 (4), testing the applicant's ~~general~~ knowledge ~~of--subjects necessary--to--plumbing,-testing-his-knowledge~~ of techniques and methods employed in the ~~plumbing--business~~ field of plumbing, and establishing by practical demonstration his competence in the special skills required in the field of plumbing.

(iii) A licensed journeyman plumber may perform work only in the employment of a licensed master plumber unless otherwise permitted by rule of the board.

(b) For master plumbers:

(i) Evidence of ~~five-(5)~~ four (4) years experience as a journeyman plumber in the field of plumbing of a character satisfactory to the board.

(ii) Evidence of three (3) years experience in supervisory capacities in the ~~plumbing-business~~ field of plumbing, which may run concurrently with the requirement in (i) above.

(iii) Satisfactory completion of an examination for master plumbers testing his knowledge of the ~~plumbing~~

~~business~~ field of plumbing and demonstrating his ~~familiarity~~ skill and ability ~~with---business---practices---normally encountered--in--the--plumbing--business~~ in the field of plumbing.

(iv) A master plumber is not authorized to perform the work of a journeyman plumber unless he is also licensed as a journeyman plumber. A licensed master plumber may employ apprentice and only journeyman plumbers who are licensed by the state of Montana, in the conduct of his business and shall be responsible for assuring that all work performed by such employees shall be in compliance with the state plumbing code."

Section 4. Section 66-2403, R.C.M. 1947, is amended to read as follows:

"66-2403. Compensation -- examination of applicants. (1) A member of the board is entitled to a compensation in the amount of twenty dollars ($20) plus per diem for each day while actually engaged in the work of the board.

(2) An applicant for a license to work ~~at-the--business~~ in the field of plumbing shall be examined as to his qualifications by the department, subject to section 82A-1603 (4). The department shall examine each applicant for a license, to determine his skill and qualifications ~~and fitness-for-carrying-on-the-business-of~~ as a master plumber or journeyman plumber~~,~~. ~~and--if--the~~ The applicant upon

successfully ~~passes~~ passing the examination prescribed by the board, then shall be issued a license ~~shall be issued to the applicant~~ authorizing him to engage in the ~~business and occupation of~~ field of plumbing as a master plumber or journeyman plumber~~, as the case may be. The license, when issued, authorizes the holder to carry on the business of a master plumber or a journeyman plumber, as the case may be, in any city or town~~ in ~~this~~ the state of Montana."

Section 5. Section 66-2404, R.C.M. 1947, is amended to read as follows:

"66-2404. Application for license -- information required -- individual -- firms or corporations. A person, firm, or corporation desiring to engage in or work in the ~~business~~ field of plumbing, either as a master plumber or as a journeyman plumber, in this state, shall ~~apply~~ make application to the department by filing a written application stating his place of residence, age, experience, and the place where he has acquired his experience, and shall at a time and place designated by the board be examined as to his qualifications for ~~the~~ a license. In the case of a firm or corporation, the examination and ~~issuing~~ issuance of a license to ~~one (1) member~~ an individual of the firm, or to ~~the manager~~ a principal of the firm or corporation, satisfies the requirements of this act as to master plumbers, but not as to journeymen plumbers. ~~A person~~

~~may not~~ No individual, firm or corporation may do the work of a master plumber unless licensed under this act.

A master plumber shall not allow his license to be used by any person, or firm, corporation, or business other than his own, for the purpose of obtaining permits, or for doing plumbing work under his license."

Section 6. Section 66-2406, R.C.M. 1947, is amended to read as follows:

"66-2406. Apprentices -- rules -- record. This act does not prohibit a person from working as an apprentice in the trade of plumbing with a plumber licensed by the department under the supervision of a licensed journeyman plumber~~, and under the rules made by the board~~ ONLY THOSE APPRENTICES REGISTERED WITH THE STATE ~~APPRENTICESHIP BUREAU, LABOR STANDARDS DIVISION,~~ DEPARTMENT OF LABOR AND INDUSTRY WILL BE RECOGNIZED BY THE DEPARTMENT. The name and residence of each apprentice, and the names and residences of their employers, shall be filed with the department~~, showing the names and residences of these apprentices~~."

Section 7. Section 66-2411, R.C.M. 1947, is amended to read as follows:

"66-2411. Penalty for violations -- exceptions from act. Any person working at the ~~business~~ field of plumbing or maintaining or conducting a plumbing ~~shop~~ business ~~in any~~

~~incorporated--city--or-town-in-this-state~~, or any individual ~~or~~ who~~,-while-working-at-the--business--of--plumbing,--shall connect--plumbing--to--or-disconnect~~ connects or disconnects plumbing from~~,~~ a public water or sewer system ~~of-such-a-city or-town,-which--serves--the--public,~~ in violation of any provisions of this act, or at a time when he is not exempt from the provisions of this act pursuant to the provisions of a duly enacted and subsisting ordinance of such city or town shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars ~~or--imprisonment--in--a county--jail--for--a--term--not-exceeding-six-(6)-months,-or both~~ for each separate offense; provided, however, that this act shall not be construed to apply to, or affect, plumbing or pipefitting ~~in-any-smelter,--mine,--railroad--or manufacturing---industry,~~ as indicated in the section 66-2401(2) and section 65-2426 exceptions. ~~and-that--nothing herein--shall-be-construed-to-affect-article-VI-of-the-state of-Montana-plumbing-code,-rules-and-regulations.~~"

Section 8. Section 66-2415, R.C.M. 1947, is amended to read as follows:

"66-2415. Act not to ~~require--employment--of--licensed~~ IMPOSE PENALTIES ON HIRING OF UNLICENSED plumbers. ~~Nothing in-this-act-shall-be-construed-as--requiring--that--licensed~~

~~plumbers--be--employed--in--the--performance-of-any-plumbing work.~~ This act shall not be construed as imposing any penalty on any person for hiring or contracting with an unlicensed person to do work in the field of plumbing. However, any person who shall himself engage in the field of plumbing at a time when he is not duly licensed shall be subject to the penalties imposed by this act."

Section 9. Section 66-2416, R.C.M. 1947, is amended to read as follows:

"66-2416. Minimum standards -- state plumbing code -- fee for copy of code. (1) The board shall by rule prescribe minimum standards which are uniform and which are thereafter effective for all ~~new~~ plumbing installations or maintenance, except where exempt by section 66-2426. ~~The--rules--shall contain--the--minimum-requirements-for-plumbing-set-forth-in the-American-standard-national-plumbing-code,--numbered--ASA A40.8-1955,---and--published--by--the--American--society--of mechanical-engineers.-Except-as-provided-in--subsection--(2) of--this--section,--or~~ Upon approval of the department of administration, department of health and environmental sciences and the attorney general, and upon publication, the rules become the state plumbing code and have the force of law. A copy of the code shall be supplied to each person licensed under sections 66-2401 through 66-2411, or any other interested person, for ~~a-fee--of--no--more--than--five~~

~~dollars--($5)~~ an amount equal to the actual current cost of the code plus postage.

(2) Rules relating to building and equipment standards covered by the state or a municipal building code are effective after approval by the department of administration and filing with the secretary of state."

Section 10. Section 66-2419, R.C.M. 1947, is amended to read as follows:

"66-2419. Revocation or suspension of license for work below minimum standards. Any person, firm, or corporation licensed under the provisions of Title 66, chapter 24 of the laws of the state of Montana who performs plumbing work in ~~any-building-whatsoever~~ the field of plumbing, below the minimum basic standards for plumbing as set forth in said state plumbing code ~~shall-have~~ is subject to having their license revoked or suspended by the state ~~plumbing-board~~ board of plumbers."

Section 11. Section 66-2420, R.C.M. 1947, is amended to read as follows:

"66-2420. Revocation or suspension -- initiation of proceedings -- procedure. Proceedings for the revocation or suspension of a journeyman or master plumber's license may be taken by the board on its motion, for matters in its knowledge, or may be taken on the information of another. Accusations must be in writing, and verified by a party

familiar with the facts charged. On receiving the accusation the board shall, if it considers the accusation sufficient, make an order setting it for hearing, and requiring the accused to appear and answer the charge or accusation at the hearing~~, in--the--county--in--which--the-alleged-violation occurred~~."

Section 12. Section 66-2426, R.C.M. 1947, is amended to read as follows:

"66-2426. Exceptions from act. This act shall not be construed to apply to, or to affect~~, installation--of--water conditioner---services--in--private--dwellings--or~~ plumbing installations in any mines, mills, smelters, refineries~~, reduction--works,~~ public utilities, ~~manufacturing-industries~~ railroads, or plumbing installations on farms having their own individual water supply or sewage disposal system."

-End-

House BILL NO. 649

INTRODUCED BY Kudla, Dyrsequd

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING FORTY-TWO THOUSAND DOLLARS ($42,000) TO THE UNIVERSITY OF MONTANA AT MISSOULA FOR A RADIO TALKING BOOK SERVICE FOR THE PRINT HANDICAPPED."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. The following moneys are appropriated for the biennium ending June 30, 1977:

(1) To the university of Montana, Missoula, radio-television department, noncommercial public radio station KUFM.

	Fiscal Year Ending 6/30/76	Fiscal Year Ending 6/30/77
(a) From the general fund	$21,000	$21,000

Section 2. The moneys appropriated by this act shall be used to establish a radio talking book service for the print handicapped.

-End-